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v. Sweeney, 84 Cal. 100, 23 Pac. 1117. Furthermore, a recent tendency of equity jurisdiction is to permit decrees to operate even affirmatively in another state, whenever the substantial rights of the parties so require. *Rickey Land & Cattle Co. v. Miller*, 218 U. S. 258, 31 Sup. Ct. 11; *California Development Co. v. New Liverpool Salt Co.*, 172 Fed. 792. Where the local court can render an effective decree, it is submitted that the rule in question should be no bar to granting the relief. *State ex rel. Watkins v. North American, etc. Co.*, *supra*.

**CRIMINAL LAW — ATTEMPT — JURISDICTION.** — A New Jersey statute made it a crime to advise another to register illegally as a voter. The accused, a resident of New Jersey, wrote a letter to a resident of Pennsylvania, advising him to register illegally as a voter in New Jersey. This letter was never received. Upon an indictment in New Jersey for the statutory crime, the jury found the defendant guilty of an attempt. *Held*, that the conviction should be set aside. *State v. Stow*, 84 Atl. 1063 (N. J.).

The criminal act aimed at by the statute is the communication of the advice. Cf. *Lindsay v. State*, 38 Oh. St. 507; *Foute v. State*, 15 Lea (Tenn.) 712; *Mills v. State*, 18 Neb. 575, 26 N. W. 354. But considering the serious character of the crime attempted, that part of the act in the jurisdiction of New Jersey, i. e., mailing the letter, would seem to be sufficiently near to completion to be punishable as an attempt. But it is necessary that the physical act contemplated by the defendant should be a crime; for the attempt is only a wrong to the state because of its connection in the actor's mind with some actual crime. See *Regina v. McPherson*, Dears. & B. 197, 201. It has been held that this crime may be one against an adjoining state, at least if the act contemplated is criminal in both jurisdictions, perhaps because the attempt may otherwise escape punishment. *King v. Krause*, 18 T. L. R. 238. See *State v. Terry*, 109 Mo. 601, 622, 19 S. W. 206, 212; 15 HARV. L. REV. 672; 16 HARV. L. REV. 401, 507. In the principal case, however, the act contemplated is that of advising a man in Pennsylvania to register illegally in New Jersey, which is not a crime by any law.

**CRIMINAL LAW — SPECIFIC INTENT — ASSAULT WITH INTENT TO KILL.** — The defendant shot at A. with the intention of killing him, but accidentally hit and wounded B. He was indicted for assault with intent to kill B. under a statute which made criminal an assault with intent to kill. *Held*, that the defendant may be convicted under the indictment. *State v. Gallagher*, 85 Atl. 207 (N. J.).

The unintentional killing of one person in the attempt to kill another is murder. The requisite mental element, malice aforethought, exists in the general felonious intent. *Gore's Case*, 9 Co. 81 a. But when by statute specific intent is made a part of a crime, that particular intent must be proved. *State v. Taylor*, 70 Vt. 1, 39 Atl. 447; *Simpson v. State*, 59 Ala. 1. Thus a person intending to shoot A. but accidentally shooting B. cannot properly be convicted of assault upon B. with intent to kill him. *People v. Keefer*, 18 Cal. 636; *State v. Mulhall*, 199 Mo. 202, 97 S. W. 583. *Contra, Callahan v. State*, 21 Oh. St. 306. But in such case he may properly be convicted of assault upon B. with intent to kill, for an intent to kill anyone is then obviously sufficient. *State v. Thomas*, 127 La. 576, 53 So. 868. See *Mathis v. State*, 39 Tex. Cr. App. 549, 47 S. W. 464. Cases where A. shoots at B. supposing him to be C. should also be distinguished, for there is a specific intent to kill the man shot at. *Regina v. Smith*, Dears. C. C. 559; *McGehee v. State*, 62 Miss. 772. A proper indictment would have been possible under the statute in the principal case which requires only an intent to kill. N. J. P. L. 1906, p. 430; *State v. Thomas*, *supra*. Where the indictment goes beyond the statute in requiring an intent to kill the person hit, the weight of authority holds that such must be proved. *State v. Shanley*,